

### **REMARKS**

Claims 1-5 are currently pending. Claims 1-5 are believed to be in condition for allowance and such favorable action is respectfully requested.

Claims 1-5 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,009,467 to McCoy hereinafter "McCoy."

Claim 1 recites "a U-shaped member having a central section and a pair of ends, each end having a pivot point extending therethrough." The McCoy patent neither teaches nor suggests a U-shaped member with a pair of ends, each end having a pivot point extending therethrough. In contrast, McCoy contains a pair of horizontal bracket members 29, 30 that attach to a vertical column 19. The bracket members 29, 30 contain channels 27 that received the vertical posts 26 to which armrests 22, 23 are attached. The channels 27 further contain "apertures 38, 39 through which fasteners 41 are passed to releasably lock the posts 26 at user selected positions within the respective channels 27." See Col. 4, lines 45-48. Thus, McCoy does not disclose a U-shaped member with a pivot point in each end as disclosed in claim 1. In contrast, McCoy discloses an aperture that receives a fastener to lock an armrest at a specific vertical position.

As the Examiner is well aware, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Accordingly, McCoy does not include the limitation of a U-shaped member with a pivot point in each end and, thus, does not include all of the limitations contained in claim 1.

Therefore, for at least the reasons stated above, claim 1 is believed to be in condition for allowance and it is respectfully requested that the rejection of the claim be withdrawn. As claims 4-5 depend from independent claim 1, these claims are also believed to be in condition for allowance and such favorable action is respectfully requested.

Therefore, claims 1-5 are currently pending and believed to be in condition for allowance, and such favorable action is respectfully requested. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned by telephone prior to issuing a subsequent action.

Respectfully submitted,



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